

GHC:maj
97068-116127
#920659

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

ALARMAX DISTRIBUTORS, INC.)	CASE NO. 2:07 CV 00259
)	
Plaintiff,)	JUDGE GARY L. LANCASTER
)	
v.)	<u>MOTION FOR VOLUNTARY</u>
)	<u>DISMISSAL OF COUNTERCLAIM</u>
RICHARD KERR, et al.)	
)	
Defendants)	
)	

Now comes Defendant Defender Products, Inc. and moves this Court pursuant to Civ. R. 41(A)(2) for an Order dismissing its Counterclaim without prejudice. Because proceedings before this Court will be simplified, and AlarMax will not be prejudiced, voluntary dismissal without prejudice should be granted.

Respectfully submitted,

s/George H. Carr

TIMOTHY T. BRICK (0040526) (Ohio)

GEORGE H. CARR (0069372) (Ohio)

Gallagher Sharp

Sixth Floor, Bulkley Building

1501 Euclid Avenue

Cleveland, Ohio 44115

Phone: (216) 241-5310

Fax: (216) 241-1608

e-mail: tbrick@gallaghersharp.com

e-mail: gcarr@gallaghersharp.com

Attorneys for Defendants Richard Kerr, Matthew Wain, John Wain, Defender Products, Inc. and A Sound Alternative, Inc.

SO ORDERED, this 16th day of
May, 2007.



Gary L. Lancaster,
U.S. District Judge